

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 7, 2007

Prepared on August 6, 2007

ITEM:

SUBJECT: INDIVIDUAL CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR THE NON-INDUSTRIAL TIMBER MANAGEMENT PLAN FOR FOURWATERS NTMP, NTMP NO. 1-00NTMP-066 SCR, SANTA CRUZ COUNTY, REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL COAST REGION, ORDER NO. R3-2007-0073

KEY INFORMATION:

Harvest Type: Selective Harvest – Non-Industrial Timber Management Plan

Project Area:	334 acres	Watershed:	San Lorenzo River
Harvest Area:	188 acres	Subwatershed:	Newell Creek
Water Courses:	Class I 6,636 feet	Forester:	Stephen R. Staub
(Class and Length)	Class II 4,759 feet		Cassady Bill Vaughan
	Class III 9,896 feet		
Eligibility Criteria:	Tier IV	Landowner and Discharger:	Steve and Linda Dousman

SUMMARY

The Fourwaters Non-Industrial Timber Management Plan (NTMP) proposes a combination ground based, cable, and helicopter selective harvest of 188 acres in the Newell Creek Watershed. The Newell Creek Watershed is a sub-watershed of the San Lorenzo River watershed. Both watersheds are listed on the Clean Water Act's Section 303(d) list as impaired for sediment. The Water Board adopted Resolution San Lorenzo River Total Maximum Daily Load (TMDL) and Implementation Plan for Sediment On May 16, 2003.

The Fourwaters NTMP is the first plan to be assigned Tier IV via the Eligibility Criteria since the Water Board's adoption of the General Conditional Waiver of Waste Discharge Requirements – Timber Harvest Activities in the Central Coast Region (General Waiver) in July 2005. Tier IV plans are not eligible for enrollment under the General Waiver.

Water Board staff proposes an individual conditional waiver and monitoring requirements for the Fourwaters NTMP.

HISTORY

On January 29, 2001, the California Department of Forestry and Fire Protection (CDF) approved the Non-Industrial Timber Management Plan (NTMP) 1-00NTMP-066 SCR Fourwaters NTMP.

On July 8, 2005, the Water Board adopted Order No. R3-05-0066 General Conditional Waiver of Waste Discharge Requirements – Timber Harvest Activities in the Central Coast Region (General Waiver).

The General Waiver includes Eligibility Criteria to evaluate potential water quality threats from a proposed timber harvest activity. Eligibility Criteria are used to numerically evaluate a plan seeking enrollment under the General Waiver based on factors such as intensity of infrastructure, cumulative impacts of harvesting within the watershed, and the number and type of streams in the proposed harvest area. Staff assigns each plan one of four monitoring tiers. The first three monitoring tier levels contain monitoring requirements for plans eligible for enrollment under the General Waiver. When a plan is assigned Tier IV, it is not eligible for the General Waiver and must be enrolled under an Individual Conditional Waiver of Waste Discharge Requirements or Waste Discharge Requirements.

On March 13, 2007, Water Board staff received a request from Cheyenne Borello, Registered Professional Forester (RPF, who represents the Discharger), for enrollment under the General Waiver for Non-Industrial Timber Management Plan (NTMP) 1-00NTMP-066 SCR Fourwaters NTMP. The Eligibility Criteria indicated that the Fourwaters NTMP be ranked Tier IV.

DISCUSSION

The Fourwaters NTMP proposes a combination ground based, cable, and helicopter selective harvest of 188 acres in the Newell Creek Watershed. The Newell Creek Watershed is a sub-watershed of the San Lorenzo River watershed. Both watersheds are listed on the Clean Water Act's Section 303(d) list as impaired for sediment. The greater San Lorenzo River Basin contains hatchery-based runs of steelhead trout and coho salmon. The proposed harvest covers 3% of the 6224 acre Newell Creek Watershed. Approximately 27% of the watershed has been selectively harvested within the last 15 years.

The plan contains 3.6 miles of roads and 2.5 miles of skid trails. The plan also contains thirteen watercourse road crossings (three of which cross a Class I stream), and eight skid trail watercourse crossings.

Approximately four miles of watercourses flow through the harvest area. Of the four miles, 1.2 miles are designated as Class I watercourse. The southeast corner of the property includes the confluence of Newell and Velma Creeks, both Class I watercourses.

On February 7, 2007, Water Board staff inspected the Fourwaters NTMP plan area. The main haul route leading to the plan area is in poor condition. Water Board staff observed at least one major failure of the road prism in the plan area.

Prior to the inspection, the forester marked the stand for harvest. According to the NTMP, the maximum harvest percentages for a ten year reentry cycle are 20% of trees in the 12 – 22" diameter range, 30% of trees in the 24 – 26" diameter range, and 40% of the trees greater than 28 inches in diameter. Water Board staff noted that the number of trees marked for harvest is less than the maximum. Additionally, Water Board staff did not find any specifically marked trees that would pose a threat to water quality when harvested.

The plan area contains several unstable or slide areas. One such unstable area, poses a potential threat to water quality due to its proximity to the Class I watercourse. The area is located near the confluence of Newell and Velma Creeks and between two crossings on the permanent road. The area is a 200 foot cut-bank slide which is slowly moving toward the Class I watercourses.

Currently, the Discharger treats the area by covering portions of the cut-bank with tarps to prevent surface erosion onto the existing road and by hauling sloughed material to stable ridge-top sites. These measures have proven adequate over the years.

In addition, the Discharger will establish a 50-foot wide no cut zone above the top of the slide area and any nearby trees will be felled away from the no-cut zone. The Discharger will also implement bio-engineering measures as described in the NTMP and conduct visual monitoring of the area. Should these measures prove unsuccessful; the Discharger will consult with an Engineering Geologist or Professional Engineer to develop a revised implementation plan.

The NTMP proposes the potential use of herbicides as an option for control of tanoak, madrone, and live oak. Pesticides will only be used in consultation with a Licensed Pest Control Advisor. The Registered Professional Forester is responsible for contacting the Pest Control Advisor.

Water Board staff recommends that herbicides be used only as a last resort and that, in addition to consultation with a Licensed Pest Control Advisor, the Discharger notify Water Board staff if the Discharger chooses to use herbicides.

Winter operations are proposed for this plan. During the winter period (October 15 to November 15), with a few minor exceptions, operations are restricted to an area outside

the Watercourse and Lake Protection Zone (WLPZ). Harvest activities are not permitted after November 15.

Based on review of the NTMP, the February 7, 2007 inspection and the special considerations for this site, Water Board staff finds the proposed harvest and its associated management practices and mitigations appropriate for the site.

MONITORING AND REPORTING PROGRAM

Fourwaters NTMP is the first plan to be designated as Tier IV via the Eligibility Criteria. Factors that contributed to the designation include a high Cumulative Effect Ratio; twenty-seven percent (27%) of the Newell Creek sub-watershed has been harvested in the past fifteen (15) years. The plan area also has a high Drainage Density Index as a result of the perennial and ephemeral streams in the plan area. The Drainage Density Index is calculated by comparing the length and types of streams against the size of the proposed harvest area.

Fourwaters NTMP also has a Medium Soil Disturbance Factor; the NTMP contains approximately 100 feet per acre of road. Plans enrolled under the General Waiver average 63 feet of road. Finally, the number of proposed landings is higher than average on a per acre basis. Fourwaters proposes approximately one landing per 10 acres compared to the average 0.6 landings per 10 acres in plans enrolled under the General Waiver.

Water Board staff has proposed a set of individual conditional waiver requirements (Attachment 1) and a monitoring and reporting program (Attachment 2) for Water Board consideration. The proposed monitoring and reporting program will include implementation and effectiveness monitoring, water column monitoring, and forensic monitoring (as necessary).

Implementation and effectiveness monitoring will include visual observation of roads, watercourse crossings, landings, skid trails, water diversions, watercourse confluences, known landslides, and mitigation sites in the timber harvest plan area. Implementation and effectiveness monitoring also includes photo-monitoring, temperature, turbidity, and forensic monitoring. Temperature must be monitored continuously from May 1 through October 15. Visual, photo, and turbidity monitoring are triggered by storm-events. All monitoring locations are identified in the water quality monitoring map (Attachment 3).

Monitoring begins at the onset of timber harvest operations and ends when the Monitoring and Reporting Program is rescinded. The Discharger must submit annual reports to the Water Board by November 15 of each year. The Discharger must also submit reports to the Water Board within forty-eight hours of a significant erosion event, impact to water quality, or non-compliance with the conditional waiver requirements.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The above-referenced NTMP was submitted to the California Department of Forestry and Fire Protection (CDF) by Stephen R. Staub and Cassady Bill Vaughan, Registered Professional Foresters. On January 29, 2001, the CDF found that the NTMP is in conformance with the Forest Practices Act and Board of Forestry Regulations.

In accordance with Title 14 of the California Code of Regulations. Chapter 3, Article 17, § 15251 (a), the Secretary for Resources has certified that an NTMP, as part of CDF's regulation of timber harvesting operations, may be submitted in lieu of an environmental impact report.

CDF reviewed and considered the recommendations made on the plan by each member of the interdisciplinary review team, which includes Water Board staff, before determining that the plan conforms to the Forest Practices Act and Board of Forestry Regulations.

CDF considered all the potential significant environmental effects of the Fourwaters NTMP and made a finding that the timber operations will not have a significant effect on the environment. Therefore the above-referenced NTMP serves as a substitute negative declaration for the proposed timber harvest.

RECOMMENDATION

Staff recommends adoption of Order No. R3-2007-0073, Individual Conditional Waiver of Waste Discharge Requirements, and Monitoring and Reporting Program Order No. R3-2007-0073 for proposed Non-Industrial Timber Management Plan 1-00NTMP-066 SCR Fourwaters NTMP.

ATTACHMENTS

1. Proposed Board Order No. R3-2007-0073
2. Proposed Monitoring & Reporting Program Order No. R3-2007-0073
3. Proposed Water Quality Monitoring locations for MRP Order No. R3-2007-0073.
4. Fourwaters NTMP Eligibility Criteria